School Screenings

Screening. The Protection of Pupil Rights Amendment (PPRA) requires districts receiving funds under any program funded by the U.S. Department of Education to protect certain rights of parents and students. One PPRA requirement is districts work with parents to develop and adopt policies, unless the district had established comparable policies on or before January 8, 2002 including the administration of physical exams and screenings of students. The PPRA model specific notification states districts must offer an opportunity for parents to opt out their child from participation.

'Any non-emergency, invasive physical exam or screening that is 1) required as a condition of attendance; 2) administered by the school and scheduled by the school in advance; and 2) not necessary to protect the immediate health and safety of the student, or of other students. This law does not apply to any physical examination or screening permitted or required by State law, including those permitted without parental notification.'

The PPRA definition of 'Invasive Physical Examination is – any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.'

The annual notification is direct, such as through U.S. Mail or email, to parents of student who are scheduled to participate in a specific activity and provides for the parent to opt the student out of participation. The notification at the beginning year identifies specific or approximate dates of the activities. For activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and an opportunity to opt their student out of the activities. The school may decide, as a matter of local policy, to require active consent for screenings. ^{1, 2}

Dental Screening. Iowa Department of Education Dental Consent Statement April 18, 2012

The question has been raised whether "active consent" is required from a parent or guardian prior to a public school employee conducting a dental screening of a student. ["Active consent" refers to prior, written consent. "Passive consent" refers to notification offering the parent to opt their child out of the activity.]

State law (Iowa Code section 135.17 and 641—Iowa Administrative Code 51.5) provides that the dental screen of students is a visual assessment only, and does not require use of dental instruments. The ultimate answer to whether active consent is required depends on federal law. The Protection of Pupil Rights Amendment (PPRA) requires active consent for "invasive" health tests and screens, but permits passive consent for noninvasive health tests and screens. The PPRA is regulated by the U.S. Department of Education's Family Policy Compliance Office (FPCO). The Iowa Department of Education asked FPCO for guidance on this issue. On April 17, the FPCO responded that that as long as dental instruments are not used, the dental screen of students by public school employees is not an invasive examination. Thus, it does not require active consent. Parents must still be informed of the screen ahead of time and given a chance to refuse to have the parent's child screened, but written, active consent is not required for the dental screen. *Legal References:* 20 U.S.C. section 1232h; Iowa Code section 135.17; 641—IAC 51.5(135). Carol Greta, Attorney, Iowa Department of Education, Grimes State Office Building, 2nd Floor Des Moines IA 50319-0146, April 18, 2012.

The law requires the school to share information with Public Health including the screening forms for Public Health to determine who needs screening. If Public Health provides the screening, Public Health (I-Smile) determines their protocols and the consent needed. Public Health also audits the screening results provided by the school. ^{3, 4}

References

- ¹ PPRA guidance http://www2.ed.gov/policy/gen/guid/fpco/index.html select hot topics, select letter to superintendents http://www2.ed.gov/policy/gen/guid/fpco/pdf/pprasuper.pdf
- ² PPRA Model Notification http://www2.ed.gov/policy/gen/guid/fpco/index.html
- ³ Iowa Code 135.17 Dental Screening of children
- ⁴ Iowa Administrative Code (IAC) 641 IAC 51 Dental screening May 2012